

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Martin Edward Lewis,)	Case No: 13-cv-2604
)	
Plaintiff,)	Judge: Durkin
)	Mag. Judge: Rowland
v.)	
)	
Jody Weis, and Garry F. McCarthy,)	
in their capacity as Superintendent of)	
Police, Chicago Police Department,)	
City of Chicago, Illinois, an Illinois)	
municipal corporation,)	
)	
Defendants.)	

**AGREED MOTION BY THE CITY OF CHICAGO FOR AN EXTENSION OF
TIME TO ANSWER OR OTHERWISE PLEAD TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

The City of Chicago, by one of its attorneys, moves for an extension of 30 days to November 1, 2013, to answer or otherwise plead to Plaintiff's First Amended Complaint.

1. Plaintiff filed this civil rights action *pro se* on April 5, 2013, naming the City of Chicago and the Chicago Police Department, as well as former and current superintendents of police, Jody Weis and Garry F. McCarthy. (Dkt. 1).
2. Plaintiff's allegations centered on his arrest for misdemeanor criminal trespass to state land, which occurred at O'Hare Airport, on April 7, 2011, as well as his subsequent acquittal on July 11 2012. (Dkt. 1).
3. Plaintiff identified the officer who he alleges arrested him by name in the body of his typed *pro se* Complaint (Officer Glowacki # 15743), but the

officer was not named as a party and Plaintiff did not seek a summons for service on the officer. (*See* Dkt. 1).

4. On August 1, 2013, the City of Chicago filed a motion to dismiss for failure to state a claim. (Dkt. 15-16).

5. On August 14, 2013, the Court appointed counsel to represent Plaintiff. (Dkt. 19). Counsel for Plaintiff appeared, and Plaintiff was granted leave to file a First Amended Complaint on September 13, 2013. (Dkt. 25).

6. Through counsel, Plaintiff filed the First Amended Complaint on September 16, 2013, which names as parties the City of Chicago, unknown police officers, and for the first time, Officer D. Glowacki (Star #15743). (Dkt. 26).

7. The Court's docket reflects that a summons has not been issued to Officer Glowacki, and no attorney has appeared on Officer Glowacki's behalf.

8. The undersigned has appeared for the City in this case, and may ultimately be retained by Officer Glowacki to represent him as well. But that determination has not been made as Officer Glowacki has never been served.

9. The undersigned anticipates filing a motion to dismiss all or some of Plaintiff's claims on behalf of the City, and believes that the issues raised may overlap to some extent with issues Officer Glowacki may also wish to present in a motion to dismiss should he choose to file one.

10. Accordingly, the City requests an additional 30 days, to November 1, 2013, to answer or otherwise plead to Plaintiff's First Amended Complaint,

which will allow Plaintiff additional time to serve Officer Glowacki, and allow Officer Glowacki time to obtain counsel and appear in this case.

11. Plaintiff agrees to the 30 day extension.

Wherefore, the City requests that the Court grant its motion to extend the time to answer or otherwise plead.

Dated: October 1, 2013

Respectfully submitted,

The City of Chicago, by its attorney,
Stephen Patton,

By: /s/ Daniel Nixa
Daniel Nixa
Assistant Corporation Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2013, I electronically filed the foregoing **Agreed Motion by the City of Chicago to Extend Time to Plead or Otherwise Answer Plaintiff's First Amended Complaint** on all counsel of record using the CM/ECF system.

/s/ Daniel Nixa